

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE PRICE,

Plaintiff,

No. 17-13011

v.

District Judge Judith E. Levy
Magistrate Judge R. Steven Whalen

MILMAR FOOD GROUP, LLC,

Defendant.

ORDER

Plaintiff Tyrone a *pro se* litigant, has filed a motion for discovery [Doc. #20], in which he requests documents related to a grievance he filed at the St. Clair County Jail. However, the correct procedure at this point is not to request discovery from the Court, but to either make a document request to the Defendant under Fed.R.Civ.P. 34, or to subpoena non-party St. Clair County under Fed.R.Civ.P. 45.

Further, Plaintiff states in his motion that he requires the grievance documents in order to answer Defendant's motion for summary judgment. While Defendant has raised the issue of exhaustion, I have filed a Report and Recommendation that the Plaintiff's complaint be dismissed under Rule 12(b)(6) as to his Eighth Amendment claim, and dismissed without prejudice as to his state law claim. It was therefore not necessary to address the exhaustion issue. *See* 28 U.S.C. § 1997e(c)(2).

Accordingly, Plaintiff's motion for discovery [Doc. #20] is DENIED.

IT IS SO ORDERED.

Dated: July 16, 2018

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on July 16, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 16, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen